

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 162, Page 1, Section 229.150, Lines 9-13,
2 by deleting all of said lines and inserting in lieu thereof the following:

3
4 "sign within the lines established for such road, or by changing the location thereof, or shall obstruct
5 or damage said road, highway, or drains in any other manner whatsoever[, shall be deemed guilty of
6 a misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than two
7 hundred dollars, or by imprisonment in the county jail for not exceeding six months, or by both such
8 fine and imprisonment]."; and

9
10 Further amend said bill and section, Pages 1-2, Lines 14- 54, by deleting all of said lines from the
11 bill and inserting in lieu thereof the following:

12
13 "3. The road overseer of any district, or county highway engineer, who finds any road
14 damaged or obstructed as above specified, [shall] may notify the [person] landowner violating the
15 provisions of this section, [verbally or] in writing, to remove such obstruction, to repair such
16 damage in a manner approved by the road overseer or county highway engineer making the request,
17 or to pay the reasonable cost of such removal or repair. [Within ten days after being notified, he
18 shall pay the sum of five dollars for each and every day after the tenth day if such obstruction is
19 maintained or permitted to remain; such fine to be recovered by suit brought by the road overseer, in
20 the name of the road district, in any court of competent jurisdiction] If the landowner fails to
21 remove any obstruction, make any repairs, or remit any payment of costs as requested within thirty
22 days, the road overseer or county highway engineer may petition the associate circuit court of the
23 county in which the land is located to authorize the overseer or engineer or an agent or employee
24 thereof, to enter the landowner's land to remove the obstruction or to repair the damage, in order to
25 restore the roadway or drainage ditch to a condition substantially the same as the adjacent roadways
26 and drainage ditches. Such entry on the landowner's lands shall be limited to the extent necessary to
27 repair the roadway or drainage ditch, and shall constitute no cause of action for trespass. The
28 petition shall include an estimate of the costs.

29 "4. If the court enters a judgment granting the petition and authorizing the actions requested
30 therein, the judgment shall include an award for the reasonable cost of removal or repair, court
31 costs, and reasonable attorney's fees, and shall become a lien on such lands, and shall be collected as
32 state and county taxes are collected by law."; and

33
34 Further amend said bill by amending the title, enacting clause, and intersectional references
35 accordingly.

Action Taken _____ Date _____